

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOWELL TRAVIS LEGENDRE,
Plaintiff,

Civil Action No. 7:20CV00353

v.

MEMORANDUM OPINION

MARTIN KUMER, ET AL.,
Defendants.

By: Glen E. Conrad
Senior United States District Judge

Plaintiff Jowell Travis LeGendre, a Virginia inmate proceeding pro se, filed this civil rights complaint, pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Because LeGendre has not complied with a court order to pay the required costs for this case, the case must be summarily dismissed.

Under federal law, all prisoner litigants must pay civil action filing fees in full, either through prepayment or through installments withheld from the litigant's inmate trust account. 28 U.S.C. § 1915(b). Section 1915(g) denies the installment payment method to prisoners who have "three strikes" — those prisoners who have had three previous cases or appeals dismissed as frivolous, malicious, or for failure to state a claim — unless the three-striker inmate shows "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). "A dismissal of a suit for failure to state a claim counts as a strike [under § 1915(g)], whether or not with prejudice." Lomax v. Ortiz-Marquez, 140 S. Ct. 1721, 1727 (2020).

By order entered December 1, 2020, the court found that LeGendre had three strikes under § 1915(g). See LeGendre v. City of Charlottesville, 7:20CV00182 (W.D. Va. April 23, 2020) (dismissed without prejudice for failure to state a claim); LeGendre v. Maney, No. 7:19CV00814 (W.D. Va. Jan. 30, 2020) (dismissed without prejudice for failure to state a claim); and LeGendre v. Maney, No. 7:19CV00686 (W.D. Va. Oct. 30, 2019) (dismissed without prejudice for failure to

state a claim). The court also found that LeGendre had not shown imminent danger related to the claims in this case, directed him to prepay the full \$400.00 in filing costs within ten days, and notified him that failure to comply would result in dismissal of the action without prejudice under § 1915(g). The time allotted for payment of those costs has passed, and LeGendre has not forwarded this payment to the court or moved for additional time to do so. For the reasons stated, the court will dismiss the action without prejudice under § 1915(g). An appropriate order will enter this day.

The clerk is directed to send a copy of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 18th day of December, 2020.



Senior United States District Judge